

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutherford & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO SET ASIDE ENTRY OF DEFAULT
AND WITHDRAWAL OF MOTION FOR DEFAULT JUDGMENT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendant in the Tierra Amarilla subsection of Section 7:

Andrews Living Trust

CHRB-004-0048

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendant was entered on March 3, 2008 (Docket No. 9120).
2. The above-named defendant has signed and approved the State’s proposed Consent Order with respect to the subfile listed above and delivered the approved Consent Order to the State to be filed with the Court.
3. The State hereby withdraws the Motion for Default Judgment filed March 12, 2008 (Docket No. 9131) with respect to the above-named defendant and subfile CHRB-004-0048.

4. Good cause exists to set aside the entry of default with respect to the defendant named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for the above-named defendant.

DATED: March 24, 2008

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of March, 2008 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Andrews Living Trust
c/o J. Lance Andrews
P.O. Box 97
Tierra Amarilla, NM 87575

/s/ Ed Newville
Edward G. Newville